

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Second Appeal No.129 of 2000**

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Bisakha Devi & Ors.

.... .... Appellant/s

Versus

Mostt. Mina Devi & Ors.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Suresh Gandhi

For the Respondent/s : Mr. Vivekanand Vivek

Mr. (Aag3)

Mr. Suresh Gandhi

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**  
**ORAL ORDER**

33 22-10-2013

Heard the learned counsel for the parties on I.A.

No.2048 of 2007.

The I.A. is a substitution application which is within time. Accordingly, the same is allowed and the legal representatives of the deceased sole appellant are substituted in place of deceased sole appellant after deleting his name. All the legal representatives have already appeared by filing vakalatnama.

Heard the learned counsel for the appellant and the learned counsel for the private respondent on I.A. No.199 of 2004.

This I.A. has been filed by the parties under Order 23 Rule 3 of the C.P.C. It has been stated that the parties have compromised their disputes outside the court and have settled amicably. The terms and conditions have been set forth in the

compromise application. The learned counsel for the parties prayed that compromise application be accepted and their compromise be recorded and this Second Appeal be disposed of in terms of compromise.

It appears that a counter-affidavit has been filed by the State of Bihar wherein it has been stated that the suit property is recorded as Anabad Bihar Sarkar and the plaintiff's suit for declaration of title has already been dismissed by the Lower Appellate Court.

In view of the above facts of the case, the private parties i.e. appellant and private respondent even if compromised their disputes outside the court, the compromise will never affect the right, title, interest and possession of the State of Bihar, if any. However, since the private parties have compromised outside the court, the compromise is accepted and the Second Appeal is disposed of in terms of compromise.

Let a decree be prepared in terms of compromise and the compromise application shall form part of the decree.

**(Mungeshwar Sahoo, J)**

Saurabh/-